

# **EXHIBIT 10**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

THOMAS BUCHANAN, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

SIRIUS XM RADIO, INC.

Defendant.

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Civil Case No. 3:17-cv-00728-D

**DECLARATION OF THOMAS BUCHANAN**

Pursuant to 28 U.S.C. § 1746, I declare as follows:

1. My name is Thomas Buchanan.
2. I am over twenty-one years of age; and the named plaintiff and putative class representative in the above-styled suit against defendant Sirius XM Radio, Inc. (“Sirius”).
3. I am fully competent to make the statements included in this declaration.
4. I have personal knowledge of the statements included in this declaration.
5. On or about May 2, 2016, I purchased a used 2011 Honda Odyssey (hereinafter the “Odyssey”) for his wife, from Bob Tedford Chevrolet in Farmersville, Texas.
6. Unbeknownst to me, the Odyssey came with an unconfigured Sirius XM Radio installation.
7. My phone number ending in 7761 has been listed on the national DNC Registry since 2008. A true and correct certification of my number being registered on the national DNC was attached to the original complaint as Exhibit “A” (Doc. 1-1, filed 03/13/17).

8. About one month after purchasing the Odyssey, Sirius unilaterally delivered a “Welcome Package” to my residence. Included in the unsolicited “Welcome Package” was a Free Trial Offer to Sirius XM Radio.

9. I ignored the Sirius “Welcome Package” and took no action.

10. I purchased the Odyssey because I needed a vehicle for transportation.

11. I did not purchase the Odyssey to get Sirius XM Radio.

12. However, beginning in or around July 19, 2016, without my consent, and despite my repeated requests to the contrary, Sirius started calling my phone number ending in 7761 selling subscriptions to Sirius XM Radio.

13. During the stream of calls, on or about July 24, 2016, I was so upset I sent Sirius a written letter requesting they immediately cease and desist calling my phone number ending in 7761 (hereinafter the “July 24th Letter”). I also requested my number be added to their Internal Do-Not-Call Registry at Sirius. A true and correct copy of the July 24th Letter was attached to the original complaint as Exhibit “B” (Doc. 1-2, filed 03/13/17).

14. The calls from Sirius didn’t stop even after the July 24th Letter.

15. I’ve received at least sixteen (16) total unauthorized calls from Sirius to my phone number ending in 7761.

16. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 25, 2018.

/s/ Thomas Buchanan  
Thomas Buchanan